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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,948	08/23/2000	Kaori Yasufuku	2423-6	9826

22204 7590 10/18/2002

NIXON PEABODY, LLP  
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SUITE 800  
MCLEAN, VA 22102

[REDACTED] EXAMINER

FIGUEROA, FELIX O

[REDACTED] ART UNIT

[REDACTED] PAPER NUMBER

2833

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/643,948	YASUFUKU ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Felix O. Figueroa	2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 September 2002.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tondreault (US 5,769,668) in view of Geib (US 4,761,140).

Tondreault discloses a connector body (10) having a receiving part (14) having a contacts (20) provided in a groove that contact the conductive pad on top and bottom surfaces of the a module, a pair of lateral supporting parts (24,26) which extend from the receiving part, and a positioning mechanism (28,30) to hold a module in a forward-rearward direction; the lateral supporting parts including a stepped part formed on an inner side. Tondreault discloses substantially the claimed invention except for metallic cover.

Geib teaches the use of a hinged, removable, metallic cover (14) including first connection means (102) and second connection means (98) that engage a slotted portion formed on an outer side of lateral supporting parts, to keep a module in place. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a cover, as taught by Geib, to keep the module from moving from the connecting position.

Alternatively, Geib shows that a metallic cover (14) including first connection means (102) and second connection means (98) is an equivalent structure known in the art for retaining structure of Tondreault. Therefore, because these two retention structures were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious the substitution of the retention structure of Tondreault for a metallic cover of Geib to keep the module from moving from the connecting position.

Claims 5, 6, 10, 11, 16, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tondreault and Geib as applied to claims 4, 9 and 15 above, and further in view of Loo et al. (US 5,648,890).

Loo teaches the use of a cover (16) having a window (38) and a heat sink (20) in the window covering a conductive member (12) to dissipate the heat from the conductive member. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a heat sink covering a conductive member, as taught by Loo, to perform a heat dissipation function.

Claims 7, 8, 12, 13, 18 and 19 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Tondreault and Geib as applied to claims 4, 9 and 15 above, and further in view of Cronin et al. (US 6,246,583).

Cronin teaches a cover including a contacting part to transfer the thermal energy to a heat sink (211). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a contacting part, as taught by Cronin, to transfer the thermal energy to the heat sink.

***Response to Arguments***

Applicant's arguments filed 08/28/02 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Please note that the lateral supporting parts including a stepped part formed on an inner side is shown by Tondreault, and that a slotted portion formed on an outer side of lateral supporting parts for receiving the second connection means is shown by Geib.

Also note that Tondreault shows a slotted portion formed on an outer side of lateral supporting parts (near arrow of reference numeral 26 in Fig.1). Since a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art then Tondreault also meets this limitation.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 308-7722  
for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the receptionist whose telephone number is (703) 308-  
1782.

ffr

October 14, 2002



Gary Paumen  
Primary Examiner